

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

CLAUDE LEE WOODS	)	CIVIL ACTION NO. 1:08cv98-MEF
	)	(CR. NO. 1:04-CR-012-MEF)
	)	
v.	)	
	)	
	)	
UNITED STATES OF AMERICA	)	

AFFIDAVIT

STATE OF ALABAMA           )  
  )  
COUNTY OF MONTGOMERY   )

I, KEVIN L. BUTLER, state the following:

1. I am an attorney admitted to practice law in Arizona, the Eastern District of California, the District of Nevada, the Middle District of Alabama, the United States Court of Appeals for the Ninth Circuit, the United States Court of Appeals for the Eleventh Circuit, and the United States Supreme Court. I have been employed as an Assistant Federal Public Defender for over 15 years and in the Middle District of Alabama since November 19, 1998.
2. In order to prepare this affidavit, I have reviewed: (a) the Federal Public Defender's office file in United States v. Claude Lee Woods, 1:04-CR-012-MEF; (b) my time records prepared in this matter; (c) the Court docket sheet in United States v. Claude Lee Woods, 1:04-CR-012-MEF; and (d) Mr. Woods' Habeas Petition filed pursuant to 28 U.S.C. § 2255 (Docket #1). Details not provided by my review of the case file and pleadings are based upon my best recollection.

3. Mr. Woods asserts that my representation was ineffective because I did not move to dismiss his case "on speedy trial issues."
4. On November 17, 2004, the date of his arraignment in United States v. Claude Lee Woods, 1:04-CR-012-MEF, undersigned counsel was appointed to represent Mr. Woods.
5. Based upon concerns regarding the legality of the stop of Mr. Woods' vehicle, after consulting Mr. Woods, I moved to suppress the search of the vehicle. (Docket #15).
6. In order to fully investigate and litigate the suppression issue, with Mr. Woods' consent and signed speedy trial waiver, the defense moved to continue trial. (Docket #18).
7. Trial was subsequently continued at Mr. Woods' request and rendering moot his claim there was a violation of the speedy trial act.

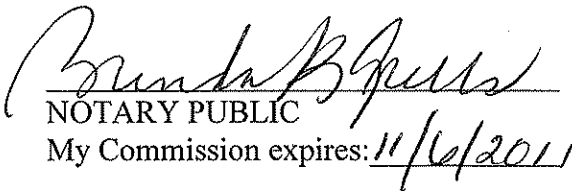
Dated this 3<sup>rd</sup> day of March, 2008.

Respectfully submitted,



KEVIN L. BUTLER  
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AZ Bar Code: 014138

Sworn and subscribed to before me this 3<sup>rd</sup> day of March, 2008.



NOTARY PUBLIC  
My Commission expires: 11/6/2011

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 3, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Stephen P. Feaga, Esquire  
Assistant United States Attorney

Respectfully submitted,

s/ Kevin L. Butler  
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